

# Union Calendar No. 490

110TH CONGRESS  
2D SESSION

# H. R. 6388

[Report No. 110-771]

To provide additional authorities to the Comptroller General of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2008

Mr. WAXMAN (for himself, Mr. DINGELL, Mr. CONYERS, Mr. OBEY, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. RAHALL, Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. SPRATT, Mr. GORDON of Tennessee, Ms. SLAUGHTER, Mr. FILNER, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. REYES, and Mr. BRADY of Pennsylvania) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

JULY 24, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

To provide additional authorities to the Comptroller General of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Government Account-  
3 ability Office Improvement Act of 2008”.

4 **SEC. 2. AUTHORITY TO OBTAIN RECORDS.**

5 (a) **AUTHORITY TO OBTAIN RECORDS.**—Section 716  
6 of title 31, United States Code, is amended in subsection  
7 (a)—

8 (1) by striking “(a)” and inserting “(2)”; and

9 (2) by inserting after the section heading the  
10 following:

11 “(a)(1) The Comptroller General is authorized to ob-  
12 tain such agency records as the Comptroller General re-  
13 quires to discharge his duties (including audit, evaluation,  
14 and investigative duties), including through the bringing  
15 of civil actions under this section. In reviewing a civil ac-  
16 tion under this section, the court shall recognize the con-  
17 tinuing force and effect of the authorization in the pre-  
18 ceding sentence until such time as the authorization is re-  
19 pealed pursuant to law.”.

20 (b) **INTERVIEWS.**—Section 716(a) of title 31, United  
21 States Code, as amended by subsection (a), is further  
22 amended in the second sentence of paragraph (2) by in-  
23 serting “and interview agency officers and employees”  
24 after “agency record”.

1 **SEC. 3. ADMINISTERING OATHS.**

2 Section 711 of title 31, United States Code, is  
3 amended by striking paragraph (4) and inserting the fol-  
4 lowing:

5 “(4) administer oaths to witnesses, except that,  
6 in matters other than auditing and settling accounts,  
7 the authority of an officer or employee to administer  
8 oaths to witnesses pursuant to a delegation under  
9 paragraph (2) shall not be available without the  
10 prior express approval of the Comptroller General  
11 (or a designee).”.

12 **SEC. 4. ACCESS TO CERTAIN INFORMATION.**

13 (a) ACCESS TO CERTAIN INFORMATION.—Subchapter  
14 II of chapter 7 of title 31, United States Code, is amended  
15 by adding at the end the following:

16 **“§ 721. Access to certain information**

17 “(a) No provision of the Social Security Act shall be  
18 construed to limit, amend, or supersede the authority of  
19 the Comptroller General to obtain any information, to in-  
20 spect any record, or to interview any officer or employee  
21 under section 716 of this title, including with respect to  
22 any information disclosed to or obtained by the Secretary  
23 of Health and Human Services under part C or D of title  
24 XVIII of the Social Security Act.

25 “(b) No provision of the Federal Food, Drug, and  
26 Cosmetic Act shall be construed to limit, amend, or super-

1 sede the authority of the Comptroller General to obtain  
 2 any information, to inspect any record, or to interview any  
 3 officer or employee under section 716 of this title, includ-  
 4 ing with respect to any information concerning any meth-  
 5 od or process which as a trade secret is entitled to protec-  
 6 tion.

7 “(c) No provision of the Hart-Scott-Rodino Antitrust  
 8 Improvements Act of 1976 and the amendments made by  
 9 that Act shall be construed to limit, amend, or supersede  
 10 the authority of the Comptroller General to obtain any in-  
 11 formation, to inspect any record, or to interview any offi-  
 12 cer or employee under section 716 of this title, including  
 13 with respect to any information disclosed to the Assistant  
 14 Attorney General of the Antitrust Division of the Depart-  
 15 ment of Justice or the Federal Trade Commission for pur-  
 16 poses of pre-merger review under section 7A of the Clay-  
 17 ton Act (15 U.S.C. 18a).<sup>22</sup>

18 “(d)(1) *The Comptroller General shall prescribe such*  
 19 *policies and procedures as are necessary to protect from*  
 20 *public disclosure proprietary or trade secret information*  
 21 *obtained consistent with this section.*

22 “(2) *Nothing in this section shall be construed—*

23 “(A) *to alter or amend the prohibitions against*  
 24 *the disclosure of trade secret or other sensitive infor-*

1        *mation prohibited by section 1905 of title 18 and*  
 2        *other applicable laws; or*

3                *“(B) to affect the applicability of section 716(e)*  
 4        *of this title, including the protections against unau-*  
 5        *thorized disclosure contained in that section, to infor-*  
 6        *mation obtained consistent with this section.”.*

7        (b) CLERICAL AMENDMENT.—The analysis for chap-  
 8        ter 7 of title 31, United States Code, is amended by insert-  
 9        ing after the item relating to section 720 the following:

      “721. Access to certain information.”.

10    **SEC. 5. COMPTROLLER GENERAL REPORTS.**

11        Section 719 of title 31, United States Code, is  
 12        amended—

13                (1) in subsection (b)(1)(B), by striking “and”  
 14        at the end;

15                (2) in subsection (b)(1)(C), by striking the pe-  
 16        riod at the end and inserting “; and”;

17                (3) by adding at the end of subsection (b)(1)  
 18        the following:

19                “(D) for agencies subject to sections 901 to  
 20        903 and other agencies designated by the Comp-  
 21        troller General, an assessment of their overall degree  
 22        of cooperation in making personnel available for  
 23        interview, providing written answers to questions,  
 24        submitting to an oath authorized by the Comptroller  
 25        General under section 711, granting access to

1 records, providing timely comments to draft reports,  
2 adopting recommendations in reports and respond-  
3 ing to such other matters as the Comptroller Gen-  
4 eral deems appropriate.”;

5 (4) in subsection (c)(2)(B), by striking “and”  
6 at the end;

7 (5) in subsection (c)(3), by striking the period  
8 at the end and inserting “; and”, and

9 (6) by adding at the end of subsection (c) the  
10 following:

11 “(4) as soon as practicable when an agency  
12 does not, within a reasonable time, respond to a re-  
13 quest by the Comptroller General regarding any  
14 matter described in subsection (b)(1)(D).”.



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